

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

BEVERLY J. BABCOCK,
Plaintiff,

v.

Civil Action No.
04-CV-0885
LEK/DEP

COMMISSIONER OF SOCIAL
SECURITY,

**STIPULATION OF
REMAND**

Defendant.

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the parties in the above-entitled action that the final decision of the Secretary is reversed and the case is remanded for rehearing **before a different administrative law judge**, pursuant to the fourth sentence of 42 U.S.C. § 405(g). The clerk is directed to enter judgment in this case.

Dated:

/s/ Jonathan P. Foster, Esq
Jonathan P. Foster, Esq.
407 South Main Street
Athens, PA 18810
Attorney for Plaintiff

Dated: May 16, 2005

GLENN T. SUDDABY
United States Attorney
P.O. Box 7198
100 S. Clinton Street
Syracuse, New York 13261-7198

By: /s/ William H. Pease
William H. Pease - 102338
Assistant U.S. Attorney

SO ORDERED:

Dated: May 16, 2005
Syracuse, New York

David E. Peebles
DAVID E. PEEBLES
U.S. MAGISTRATE JUDGE